

THE BRITISH COLONIST, published every morning (Tuesday excepted), the largest and most widely circulated newspaper in British Columbia, is a Government organ.

Advertisers may have the same letter of their residence, or 15 cents for furnishing their address at the Office of publication.

THE WEEKLY BRITISH COLONIST, published every Tuesday, will be mailed or sent to the residence of the subscriber, in 15 cents per week, payable to the editor.

JOB PRINTING.

THE BRITISH COLONIST, PUBLISHED DAILY, having received a large addition to its stock of paper, will despatch orders to any extent, and at a slight advance, on San Francisco price.

OUR JURY SYSTEM.

After two trials consuming a very large amount of public time, the case of George V. Smith stands as before. Both juries have disagreed as to the guilt of the accused, and the prosecution has so far failed. There is something exceedingly interesting to a student of human nature in the results of the two verdicts. Twelve men are placed in a jury box, take an oath to give their verdict according to the evidence, and hear the witnesses and the arguments on both sides; eleven of the twelve come to the conclusion that the prisoner is guilty and the twelfth maintains that he is innocent. A second trial takes place. A fresh jury is empanelled; and although the same testimony and pretty nearly the same arguments are forthcoming, the decision of the jury is reversed. Ten men are in favor of acquittal and two are for conviction. How shall we reconcile such a conflict of opinion on the same subject, under the same circumstances, and almost at the same time? Do our jurors take different views of their duties, or is the difference of opinion confined merely to the ordinary dignity of human judgment? Does that which looks black to one man assume to another the appearance of white? Is there really in the nature of things such an oscillation in the judgment of four and twenty men as we have above indicated? If there is, are we afraid the Attorney General will have to give up the prosecution; or if he waits until twenty men are convinced for either acquittal or conviction, he will have to wait and be the witness to how advanced far into "the red and yellow leaf."

Our jury system is, in fact, as we have shown before, a perfect absurdity and a grave stumbling-block in the way of justice. We sent twelve men who were sworn to give their decision according to the evidence, to agree in their opinions of the reliability of the witnesses, and because they do not agree we lock them up; or in other words punish them for exercising an honest judgment. If a man immediately after hearing the testimony, the lawyers' arguments, and the judge's charge, considers the prisoner guilty, what sort of a verdict do we obtain when, after an incarceration of several hours, he says the prisoner is innocent? The tortures of the Inquisition were very successful, no doubt, in forcing an answer from the reluctant victim; but in nine cases out of ten the shrieking response was false. Our jury system is a valuable leaf taken from the wisdom of the middle ages. We must not interfere with the system, therefore, for age and infirmity have made it sacred, and we have too much of the Chinese characteristic in our composition to look with anything but superstition at the work of our ancestors. There is a talismanic influence in the "unconscious twelve." If the number were nine, thirteen, the law of gravitation would be surely suspended, and chaos would come again.

We have asked, "Do our jurors take different views of their duties?" and we can only reply in the affirmative. It would be a matter of some curiosity to interrogate every jurymen privately as to his ideas of the functions of a juror. We would have one man affirming that his decision was to be based on the law of the case as laid down by the judge, another that he was only bound to give a simple verdict, no matter whether it was exactly in accordance with the evidence, and a third that evidence, and it alone, should be his guide. When we see how the law itself often makes the blunder of calling testimony evidence, and how tardy are sometimes the charges of judges to jurors as to their duty, we are not at all surprised that the juryman should be often thrown upon questions entirely outside the issue. The juror is called upon to give his decision according to the evidence, and what is the evidence? Why, the impression made upon the witness by the acts of the accused. The jury, therefore, has nothing really to do with evidence whatever; its functions are altogether confined to judging of the witness' testimony. It has nothing to do with the prisoner's character or the serious or frivolous crime with which he is charged, yet how often do we see these considerations taken into account, and verdicts given accordingly. It is only a few weeks since that a criminal case was tried in Montreal, in which the prisoner through the exercise of his right of challenge and the influence of his personal advocate, obtained a jury that acquitted him. The case was so clear, however, against the accused that a second trial was, on certain grounds, obtained, and the prisoner's challenge restricted to a single jurymen. The result was a verdict of guilty. We cannot sweep away all the evil of our jury system at once; nor can we easily make the English civil jury system apply to our criminal procedure—by adopting the three-fourths' verdict of a jury of twelve—save the community a great deal of valuable time, the court's great deal of expense, and society much injustice.

THE COMMON SCHOOL BILL.

This bill came up for the first reading yesterday. It is based on the Educational report which passed the House some time ago, and comprises briefly the following provisions:—The sum of ten thousand dollars is to be set aside annually from the general revenue as a common school fund. The Governor is empowered to appoint a Board of Education, consisting of nine persons, who in their turn are to appoint the Superintendent of Education, subject to the Governor's approval. The Superintendent is to be appointed for one year, and to receive a salary for that period of not less than fifteen hundred dollars, together with what additional remuneration the Governor may grant for additional labor and duty performed.

What the additional labor and duty the Inspector is expected to perform is not mentioned. This part of the bill we think might with advantage be omitted. It shall be the duty of the Board of Education, with the assistance of the Superintendent to establish as many school districts as they think expedient, and to direct the trustees in any district to establish female schools if necessary, provided over by female teachers. The Board is to meet not less than four times a year and to prescribe the necessary school books, to examine teachers and justify them, and to distribute the school

fund in proportion to the number of schools going children. Each district is to have three trustees, each of whom, after the first election of trustees, shall hold office for three years. No district is entitled to "the benefit of the fund unless it contains no school-going children." Books "teaching the highest morality" shall be selected for the use of the schools, and all books of a religious character teaching denominational dogmas shall be strictly excluded therefrom." It is shall be lawful for the clergy of every denomination, at stated intervals, to fix, display, and interpret in a separate room religious instruction to the children of their respective persuasions,"—a provision regarding some modification. The above is a brief digest of the contents of the bill which has the assent of the Assembly bills of being too long. It is, on the whole, however, a measure that will prove exceedingly acceptable to the community after our educational famine, and we shall recur to it at a future period in greater detail.

ST. ANDREW'S FESTIVAL.

The anniversary of Scotland's patron Saint was celebrated last night by a grand dinner at the Colonial Hotel. About 60 gentlemen sat down; the chair was filled by J. G. Shepherd, Esq., President of the Society, and the vice-chairs by D. M. Lyle, Esq., and Geo. Cruckshank, Esq. His Excellency the Governor and Chief Justice Cameron sat on the right of the President and His Worship the Mayor and Chief Justice Begbie on the left. A large number of the hon. members of the Legislative Council and Assembly, Lieut. Gov. V. I. Dundas, and many of our most prominent citizens and two for conviction. How shall we reconcile such a conflict of opinion on the same subject, under the same circumstances, and almost at the same time? Do our jurors take different views of their duties, or is the difference of opinion confined merely to the ordinary dignity of human judgment? Does that which looks black to one man assume to another the appearance of white? Is there really in the nature of things such an oscillation in the judgment of four and twenty men as we have above indicated? If there is, are we afraid the Attorney General will have to give up the prosecution; or if he waits until twenty men are convinced for either acquittal or conviction, he will have to wait and be the witness to how advanced far into "the red and yellow leaf."

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THE BRITISH COLONIST, by Vice-President Cruckshank, who remarked that the wording of the toast, according to the usage in the London clubs, should be slightly altered, as the navy was the senior branch of the service. The toast was formed for as good a purpose and from politics he would join that too. (Applause.)

His Excellency the Governor, by the President of a few laundry remarks, alluding the active part taken by His Excellency the Governor in opening up the Sooke mines which had been of great benefit to the colony.

Major and Capt. Turner of H.M.S. *Cherub*, apologizing for their non attendance. After the dinner the business of the evening commenced by the President proposing the Queen. Drank with all the honors.

The Prince and Princess of Wales and other members of the Royal Family, by the Prince of Wales—*Rale Britannia*.

Frank with all the honors.

His Excellency the Governor, responded that it was not astonishing that in a company of Scotchmen, the name of the Representative of the Queen should be received with kindness and cordiality. But the toast had been received with more than usual hearty, and the more gratifying as he knew that they had not been made up for his shortcomings. (Applause.) It was with his most pleasing day to do everything to promote good will and kindly feeling in the community, and be fit for the best way to fulfil the interest of the colony. (Applause.)

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LIST OF LETTERS REMAINING
IN THE VICTORIA POST-OFFICE.
FROM NOVEMBER 10th TO 15th.

NOTICES.

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REMOVAL.

A. BULER,

Has removed from his old stand on Government Street, opposite the "Colonial Office," to the Store below:

ADJOINING MR. SEARBY'S DRUG STORE.

I WOULD SAY TO MY CUSTOMERS THAT FROM THEIR PAST LIBERAL
ADVICE AND WISDOM, I have now established a new Drug Store, in the second
floor of my New Establishment. To the Public I tender a cordial invitation to call and
examine THE BEST SELECTED STOCK OF GOODS ever offered in this Market.

To attempt to enumerate the Stock in Trade would be superfluous in the extreme.

CLOTHING FOR THE MILLION!

Representing the most Fashionable Manufacturers in England, France and American
GENTLEMEN'S UNDERCLOTHING—the finest ever imported to this city.

Patrons I feel sure of their continuance, in view of the increased inducements now

held out in my New Establishment. To the Public I tender a cordial invitation to call and

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To attempt to enumerate the Stock in Trade would be superfluous in the extreme.

NOTICE.

THE PUBLIC ARE CAUTIONED
NOT TO PURCHASE ANYTHING IN ANY

MANNER, DEALING WITH THE SAME—SOCIETY—NOTICE, NOVEMBER 10th, 1864—

Yates street, Victoria, V. I., NOV. 10th, 1864.

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